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**Certified Mail - Return Receipt Requested**

November 1, 2022

Colonel Terence G. Taylor  
Commander, 27th Special Operations Wing  
100 Air Commando Way, Suite 100  
Cannon Air Force Base  
New Mexico 88103-5214

**RE: APPROVAL WITH MODIFICATIONS  
FACILITY-WIDE LONG-TERM GROUNDWATER MONITORING PLAN-REVISION 1  
CANNON AIR FORCE BASE, NEW MEXICO  
EPA ID #NM7572124454  
HWB-CAFB-19-003**

Dear Colonel Taylor:

The New Mexico Environment Department (NMED) is in receipt of the Cannon Air Force Base (Permittee) *Facility-Wide Long-Term Groundwater Monitoring Plan-Revision 1* (FLGMP) dated April 13, 2022. NMED hereby issues this Approval with following modifications.

**MODIFICATIONS**

**1. Required Permittee Certification Statement**

**NMED Comment:** The Permittee must submit a signature page signed by the Permittee with the replacement pages required by this letter that include the 40 Code of Federal Regulations (CFR) 270.11(d)(1) certification statement as required by December 2018 *Cannon Air Force Base Resource Conservation and Recovery Act Permit* (Permit), Section 1.16, Signatory Requirements:

*"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision according to a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."*

SCIENCE | INNOVATION | COLLABORATION | COMPLIANCE

Hazardous Waste Bureau - 2905 Rodeo Park Drive East, Building 1, Santa Fe, New Mexico 87505-6313  
Telephone (505) 476-6000 - [www.env.nm.gov](http://www.env.nm.gov)

Provide a signed signature page with the required replacement pages specified in this letter, as well as with all subsequent reports and work plans.

**2. Section 1.4.11, Extent and Distribution of Contaminants, Pages 1-9 through 1-11**

**Permittee Statement:** “PFAS [per-and polyfluoroalkyl substances] impacts have been identified in on-site and off-site groundwater. However, PFAS are emerging contaminants that are being addressed by USAF [United States Air Force] under CERCLA [Comprehensive Environmental Response Compensation and Liability Act] process at Cannon AFB [Air Force Base]. The human health/ecological risks from PFAS will be evaluated via the remedial investigations completed under CERCLA. PFAS fate and transport evaluations are not included in this FWLTGMP [Facility-Wide Long-Term Groundwater Monitoring Plan].”

**NMED Comment:** NMED does not agree that PFAS contamination at Cannon AFB is subject to the CERCLA-like process used by non-RCRA-permitted Department of Defense facilities. Cannon AFB is subject to regulation under the New Mexico Hazardous Waste Act (HWA) and the Permit. PFAS meets the statutory definition for hazardous waste defined in HWA Section 74-4-3.K, Section 1004(5) of the Solid Waste Disposal Act, and Section 6903(5) of the Resource Conservation and Recovery Act and are defined as such in the Permit as required by 40 CFR 270.32(b)(2) for protection of human health and the environment.

Additionally, PFAS constituents perfluorooctanoic acid (PFOA), perfluorooctane sulfonate (PFOS), and perfluorohexane sulfonic acid (PFHxS) are listed as toxic pollutants in 20.6.2.7.T(2) New Mexico Administrative Code (NMAC) as authorized by the New Mexico Water Quality Control Commission; therefore, applicable State of New Mexico regulations established by NMAC 20.6.2 that are incorporated in the Permit apply (see Section 3.3.1, Groundwater Cleanup Levels).

Regularly updated guidance for appropriate risk assessment for contaminants of concern including PFAS have been established in NMED’s June 2022 *Risk Assessment Guidance for Site Investigations and Remediation* (RA Guidance). The RA Guidance currently requires that PFAS be addressed in risk assessments quantitatively (see RA Guidance Summary of Changes table) with respective screening levels provided in RA Guidance Table A-1, NMED Screening Levels. A current list of PFAS constituents that must be evaluated when sampling environmental media is outlined in RA Guidance Section 5.4, PFAS (See Table 5-2, PFAS Analyte List). RA Guidance Table A-1 currently includes applicable screening levels for the evaluation of soil, the soil-to-groundwater pathway, and tap water for twelve of twenty-four PFAS listed on RA Guidance Table 5-2, and it is expected that regulatory screening levels and guidance will be updated as additional toxicity data becomes available.

The Permittee’s intent to continue PFAS investigation at Cannon AFB under a “CERCLA- like process” may result in the collection of data which will not be acceptable for use in the

evaluation of risk required for corrective action status determinations for solid waste management units (SWMUs), areas of concern (AOCs), and any impacted environmental media contaminated by releases from these sites.

However, with consideration for the current regulatory situation for PFAS and the need to collect data for evaluation of other potential groundwater contaminant of concern issues, the Permittee may proceed with the scope of work proposed in FLGMP-Revision 1.

Revise the FLGMP to cite the updated RA Guidance as the applicable guidance document for any necessary site and screening level evaluations and provide all respective replacement pages.

Failure to revise the FLGMP in accordance with this letter and to address prior direction provided by NMED in response to the initial drafts of the FLGMP may result in an enforcement action specified in Permit Section 1.7, Enforcement.

### **3. Section 3.3, Groundwater Sample Collection, Pages 3-2 and 3-3**

**NMED Comment:** Groundwater quality parameter data proposed for collection during proposed low-flow groundwater sampling must also include the collection of oxidation-reduction potential (ORP) data in addition to proposed data for turbidity, pH, specific conductance, dissolved oxygen, and temperature. Revise all affected FLGMP sections accordingly and provide respective replacement pages.

The Permittee must provide replacement pages that address NMED's required modifications to the FLGMP. In addition, a response letter that cross-references where each of the modifications were addressed must be provided. The response letter must also be provided as an electronic copy. Electronic copies of the revised FLGMP and the redline-strikeout version of the FLGMP must be submitted to NMED no later than **December 15, 2022**.

In accordance with NMED's March 19, 2019 *Interim Facility-Wide Groundwater Monitoring Plan* correspondence letter, the FLGMP must be updated annually or a letter stating that no changes to the FLGMP were made must be formally submitted to NMED by the Permittee no later than **April 1 of each year**.

This approval is based on the information presented in the document as it relates to the objectives of the work identified by NMED at the time of review. Approval of this document does not constitute agreement with all information or every statement presented in the document.

Col. Taylor  
November 1, 2022  
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If you have any questions regarding this letter, please contact Gabriel Acevedo at (505) 690-5760.

Sincerely,

**Rick Shean**  
Digitally signed by  
Rick Shean  
Date: 2022.11.01  
09:47:53 -06'00'

Rick Shean  
Chief  
Hazardous Waste Bureau

cc: C. Atencio, NMED OGC  
D. Cobrain, NMED HWB  
B. Wear, NMED HWB  
G. Acevedo, NMED HWB  
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